GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants - Allegation of Corruption against the AO-1 Sri Bandla Venkateswara Rao @ Venkateswarlu, formerly Enforcement D.T, Tenali division and AO-2 Sri P.Jagan Mohan Rao, formerly Civil Supplies, Revenue Inspector, Tenali, Guntur District - Trapped on 13-12-1998 - Convicted by the Trial Court - Crl. Appeal Nos.1454/2006 and 1440/2006 filed by the AOs.1&2 respectively in the A.P.High Court - Allowed - set aside the lower court orders - request to file SLP before the Apex Court - further action dropped on Sri Bandla Venkateswara Rao @ Venkateswarlu, formerly Enforcement D.T, Tenali division - Orders - Issued.

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REVENUE (VIG.III) DEPARTMENT

G.O.Ms.No.426 Dated:14.09.2023

Read the following:

1. Judgement of Spl.Judge for SPE & ACB Cases, Vijayawada in C.C.No.8/2002, Dated:10.10.2006.
2. G.O.Ms.No.1938, Revenue (Vig.VI)Department, Dt:29.12.2006.
3. G.O.Ms.No.559, Revenue (Vig.VI)Department, Dt:29.03.2008.
4. G.O.Ms.No.242, Revenue (Vig.VI)Department, Dt:13.04.2012.
5. Common order dt:15.03.2022 of the Hon'ble High Court of A.P in Cr.Appl.Nos.1440 & 1454 of 2006.
6. From the D.G., ACB, Lr.Rc.No.212/RCT-VGT/1998, Dated:22.06.2022.
7. Representation dt:01.09.2022 of Sri B.Venkateswarlu @ Venkateswara Rao, Formerly Deputy Tahsildar, Guntur District.

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ORDER:

Whereas, it was brought to the notice of the Government that Sri Bandla Venkateswara Rao @ Venkateswarlu, formerly Enforcement D.T, Tenali division (AO-1) and Sri P.Jagan Mohan Rao, formerly Civil Supplies Revenue Inspector, Tenali, Guntur District (AO-2) was trapped by the ACB on 13.12.1998 on the allegation of demand and acceptance of bribe of Rs.6,000/- for not registering a case against complaint. In the reference 1st read above the Spl.Judge for SPE & ACB Cases, Vijayawada pronounced judgment stating that the Accused Officers have been convicted for the offences punishable under section 13 (1) (d) r/w 13(2) of Prevention of Corruption Act, 1988 r/w Section 34 IPC.

2. And whereas, based on the above judgment, in the reference 2nd read above, Government have issued orders dismissing Sri Bandla Venkateswara Rao @ Venkateswarlu, formerly Enforcement D.T, Tenali division from the Govt Service. Aggrieved by the orders of the Spl.Judge for SPE & ACB Cases, Vijayawada in the reference 1st read above, Sri Bandla Venkateswara Rao, D.T, had filed Criminal Appeal No.1454 of 2006 before the Hon'ble High Court of A.P., Hyderabad praying to set aside the judgment of the ACB Court, Vijayawada.

3. And whereas, Sri Bandla Venkateswara Rao, D.T, had filed an O.A.No.5454 of 2007 in the APAT, Hyderabad with a request for reinduct him into service. In compliance of the orders dt:26.11.2007 of the Hon'ble A.P.A.T. Hyderabad, Govt vide reference 2nd read above, have reinducted Sri Bandla Venkateswara Rao as Deputy Tahsildar into service. Further, Govt have reviewed the case in the light of the common order of the Hon'ble High Court of A.P, dt:17.11.2009 in W.P.No.8000/10 and others and contested the matter in the Hon'ble High Court. Further, the Hon'ble High Court of A.P., in its interim order dt:07.02.2012 in W.P.M.P.No.2961/2012 in W.P.No.2382/2012 has suspended the order of the A.P.A.T in O.A.No.5454/2007. Accordingly, vide reference 4th read above Govt have issued orders dismissing Sri Bandla Venkateswara Rao, D.T from service.

(P.T.O)

4. And whereas, in the reference 5th read above, Hon'ble High Court has delivered the Common order dt:15.03.2022 in Cr.Appl.Nos.1440 & 1454 of 2006 setting aside the orders of Spl.Judge for SPE & ACB Cases, Vijayawada in the reference 1st read above and acquitted Sri Bandla Venkateswara Rao @ Venkateswarlu, formerly Enforcement D.T, Tenali division (AO-1) and Sri P.Jagan Mohan Rao, formerly Civil Supplies Revenue Inspector, Tenali, Guntur District (AO-2). The operative portion of the judgement is as follows:

> 12. Learned counsel for the appellant placed reliance on the judgment reported in P.Satyanarayana Murthy V.District Inspector of Police, State of Andhra Pradesh and Another and contended that the prosecution has to prove the demand as well as acceptance in a trap case. A close scrutiny of evidence of P.W.1 shows that he is not a reliable and trustworthy witness. No reliance can be placed on the evidence of P.W.1 as he changed his version from stage to stage. Furthermore, the prosecution filed a petition to recall P.W.1 and he was further examined by the prosecution. Even though, the evidence of P.W.1 does not inspire confidence of the Court. Mere recovery of money from A.O.1 is not sufficient. More particularly, the prosecution has to prove the demand as well as acceptance in a trap case. Therefore, taking all the aspects and entire material on record into consideration, this Court is of the considered view that the prosecution is not able to prove both demand and acceptance. In such circumstances, the conviction and sentence recorded by the learned Spl.Judge for SPE & ACB Cases, is liable to be set aside.
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> 13. In that view of the matter, Crl.A.No.1454 of 2006 and Crl.A.No.1440 of 2006 are allowed and the conviction and sentence recorded by the Spl.Judge for SPE & ACB Cases, Vijayawada in C.C.No.8 of 2002, dated:10.10.2006 is hereby set aside. The appellant/A.O.1 in Crl.A.No.1454 of 2006 and appellant/A.O.2 in Crl.A.No.1440 of 2006 are acquitted of the offences under Sections 7 and 13 (1)(d) read with Section 13 (2) of the Act and r/w Section 34 IPC. Fine amount, if any, paid shall be refunded. Bail bonds shall stand cancelled.

5. And whereas, in the reference 6th read above, the Director General, Anti Corruption Bureau, Andhra Pradesh while enclosing a copy of the judgement of the Hon'ble High Court, has informed that the bureau is of the opinion that it is a fit case to file S.L.P before the Hon'ble Supreme Court of India. Therefore, he has requested to accord permission to file S.L.P before the Hon'ble Supreme Court of India against the common order of the High Court of A.P in Crl.Appeal Nos.1454/2006 and 1440/2006 and to issue orders for taking further necessary action accordingly.

6. And whereas, in the reference 7th read above, Sri B.Venkateswarlu @ Venkateswara Rao, formerly Enforcement D.T, while enclosing the common judgment of the High Court of A.P in Crl.Appeal Nos.1454/2006 and 1440/2006 has requested to regularize the suspension period and dismissal period upto the date of his retirement i.e., 31-07-2017 (date of superannuation had he been continued in service) and to release all his consequential benefits at an early date.

7. Government, after careful examination of the matter, have decided to implement the orders of the Hon'ble High Court in the reference 4th read above setting aside the conviction and sentence recorded by the Spl.Judge for SPE & ACB Cases, Vijayawada in the reference 1st read above and acquitted the A.Os Sri Bandla Venkateswara Rao @ Venkateswarlu, formerly Enforcement D.T, Tenali division (AO-1) and Sri P.Jagan Mohan Rao, formerly Civil Supplies Revenue Inspector, Tenali, Guntur District (AO-2) of the offences punishable under Sections 7 and 13 (1)(d) read with Section 13 (2) of the Prevention of Corruption Act, 1988 r/w Section 34 IPC.

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8. Accordingly, Government hereby order to implement the orders of Hon'ble High Court in the reference 5[h] read above and to drop further action against Sri Bandla Venkateswara Rao @ Venkateswarlu, formerly Enforcement D.T, Tenali (attained age of superannuation on 31.07.2017) in this matter.

9. The Chief Commissioner of Land Administration, A.P., Mangalagiri/ the Collector & District Magistrate, Guntur shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

G.SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

To:
Sri Bandla Venkateswara Rao @ Venkateswarlu, formerly Enforcement D.T, Tenali
through the Chief Commissioner of Land Administration, A.P., Mangalagiri
The Chief Commissioner of Land Administration, A.P., Mangalagiri
The Collector & District Magistrate, Guntur
Copy to:
The Director General, Anti Corruption Bureau, A.P., Vijayawada,
The Secretary to Commissioner, A.P.Vigilance Commission, Velagapudi, Amaravati,
The Director of Treasuries and Accounts, Mangalagiri,
The Accountant General, A.P., Vijayawada,
Sf/Sc

// FORWARDED :: BY ORDER//

SECTION OFFICER